

AGE REQUIREMENTS FOR APPOINTMENTS TO POSITIONS IN EXECUTIVE AGENCIES AND COMPETITIVE SERVICE

JULY 29, 1971.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HENDERSON, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany H.R. 8085]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 8085) relating to age requirements for appointments to positions in executive agencies and in the competitive service, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

The committee proposes two amendments to the bill: An amendment to the text and an amendment to the title.

AMENDMENT TO THE TEXT

The amendment proposed by the committee to the text of the bill strikes out all after the enacting clause and inserts in lieu thereof a substitute text which is contained in italic type in the reported bill. The explanation of the provisions of the substitute text is contained in the explanation of the bill set forth hereinafter in this report.

AMENDMENT TO THE TITLE

The amendment proposed by the committee to the title of the bill makes a technical correction in the spelling of a word in the title of the bill, as introduced.

PURPOSE

It is the purpose of this legislation—

(1) to reaffirm the congressional policy (5 U.S.C. 3307) against

the discrimination as to age in employment in the competitive service of the Government of the United States;

(2) to extend and amplify that policy in order to promote employment of persons based on ability, rather than age, and to prohibit arbitrary age discrimination in all employment in the Federal Service, including employment in the excepted as well as the competitive service; and

(3) to provide flexibility by authorizing maximum age limits to be established by the President for entry into positions in an executive agency, or in the competitive service, when age is found to be a bona fide occupational qualification reasonably necessary to the performance of the duties of the position.

#### SUMMARY

This legislation is based on an official recommendation of the Civil Service Commission. It was ordered reported to the House by a voice vote.

The bill will establish a congressional policy which will require the United States to promote employment of persons based on their ability, rather than age, and which will prohibit arbitrary age discrimination in all employment in the Federal Service.

The legislation will authorize the President to establish a maximum age requirement for making an appointment to a position in an executive agency or in the competitive service, when the maximum age requirement is established on the basis of a determination that age is a bona fide occupational qualification reasonably necessary to the performance of the duties of the position.

The provisions of law (5 U.S.C. 3307) stating the existing congressional policy against discrimination as to age in employment in the competitive service, would be repealed and would be reaffirmed and amplified by the provisions of this legislation.

Also, there would be repealed the provisions of law (Public Law 91-73, September 26, 1969) authorizing the Secretary of the Interior to fix the minimum and maximum limits of age within which appointments may be made to the positions in the United States Park Police.

#### STATEMENT

Age, by itself, should never be a bar to employment, either in private industry or in the Federal Government. At the present time, a statutory provision prevents the establishment of maximum entry ages for appointments in the Federal competitive service, but no similar provision governs appointments in the excepted service in Federal agencies. In keeping with the national policy against age discrimination, it is highly desirable to extend the prohibition against establishing age limits to positions in the excepted service. But it is equally desirable that a degree of flexibility, similar to that already existing for positions in private industry, be provided for Federal positions to permit exceptions without the necessity for congressional action in each case when age is found to be a bona fide occupational qualification.

Congress established the present policy against age discrimination in Federal employment in 1956 when it wrote into the Independent Offices Appropriation Act (70 Stat. 355) a prohibition against the use of appropriated funds to pay the salary of any Federal employee who sets a maximum age for entry into any position in the competitive service. Now codified in section 3307 of title 5, United States Code, the law makes no provision for administrative exceptions. A Federal agency that feels it needs relief from the strict letter of the law must turn to Congress for such relief. The Department of the Interior took its case to Congress in 1969 for the United States Park Police and was successful. Congress enacted Public Law 91-73 in September 1969, authorizing the Secretary of the Interior to set minimum and maximum age limits in the appointment of Park Police.

The Civil Service Commission has reported that a number of Federal agencies have indicated that they will seek authority from the Congress to establish maximum age limits for entry to several types of positions.

The Committee already has received two such recommendations. One was received from the Attorney General by letter dated April 26, 1971, proposing legislation (H.R. 8086) which would authorize the Attorney General, with the approval of the President, to establish minimum and maximum age limitations for appointments to the positions of—

- (1) Border Patrol Agent, Immigration and Naturalization Service;
- (2) Criminal Investigator, Bureau of Narcotics and Dangerous Drugs;
- (3) Correctional Officer, Bureau of Prisons; and
- (4) Deputy United States Marshal, United States Marshals Service.

Another recommendation has been received from the Secretary of Transportation by letter dated April 29, 1971, proposing legislation (H.R. 8083) which would authorize the Secretary of Transportation, with the approval of the President, to fix the maximum age limit for an appointment to the position of Air Traffic Controller in the Department of Transportation.

The official recommendation of the Civil Service Commission points out that it would be far more desirable for age limitations to be set by the President under restrictions imposed by this legislation than it would be for the limitations to be set by statute on the basis of numerous requests from individual agencies.

The Committee agrees with the Civil Service Commission and believes that, in the interest of uniformity and appropriate administrative control, any authority that Congress deems appropriate to grant, relating to the age limitations, should be vested in the President as a part of his general authority over civil service employment in executive agencies and in the competitive service. The Committee believes that such authority of the President will result in a more efficient operation when there is a justifiable need for age limitations than would result if the needs of each agency were considered by the Congress on an individual basis. The requirement of the legislation for reporting proposed age maximums to Congressional Committees before the requirement goes into effect will afford an opportunity for Congress to stop any improper use of that authority.

Minimum age restrictions for entry into the Federal Service are not generally imposed by legislation. However, Public Law 91-73, referred to above, does authorize the Secretary of the Interior to fix minimum age restrictions for

appointments to positions in the United States Park Police. This legislation does not contain any authority relating to minimum age restrictions and will repeal Public Law 91-73.

Minimum age restrictions currently are controlled by policies established by regulations of the Civil Service Commission. (For example, see subchapter 6 of chapter 338 of the Federal Personnel Manual.)

Minimum age limits have been established under civil service regulations for appointment to positions in the competitive service to insure that applicants have the maturity necessary for successful job performance, and that Federal Government hiring practices are not in conflict with the general objectives of encouraging students to complete their basic education. When no minimum age limit is included in a qualification standard, the minimum age is 18, except that for high school graduates, the minimum age is 16. The Civil Service Commission requires adherence to the principles of Federal, State, and local laws on the employment of minors.

This legislation does not contain any authority for the establishment of minimum age requirements and will continue to leave this matter to regulations issued by the Civil Service Commission.

The authority proposed under H.R. 8085, for the President to establish maximum age limitations when it is determined that age is a bona fide occupational qualification reasonably necessary to the performance of the duties of the position, is similar to the authority now held by the Secretary of Labor for private industry under the Age Discrimination in Employment Act of 1967 (Public Law 90-202, December 15, 1967).

Among other things, that Act makes it unlawful for any employer in the private sector to refuse to hire an individual because of his age. At the same time, however, the Act recognizes that age can be a factor in employment. It specifically provides that the prohibition does not apply "where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business".

In addition, section 9 of the 1967 Act specifically provides that the Secretary of Labor may establish such reasonable exemptions to and from any or all provisions of the Act, as he may find necessary and proper in the public interest.

The considerations that argue for the setting, administratively, of appropriate age limits in private industry apply with equal force in the Federal Service. This legislation provides for such flexible administrative authority to fix age restrictions.

The fact that age is a factor in certain employment situations has been recognized by Congress in the several laws referred to in this report. There is under current law an orderly procedure for setting appropriate age limitations in the private sector. The need for similar authority with regard to appointments in the Federal positions is equally justified. This legislation provides such authority.

#### SECTION ANALYSIS

The first section of the bill amends subchapter II (Antidiscrimination in Employment) of chapter 71 of title 5, United States Code, by adding a new section 7155. The first sentence of the new section 7155 is a broad policy statement regarding arbitrary age discrimination in

Federal employment. The policy is applicable to employment in all branches of the Government of the United States, including employment in the United States Postal Service. The Postal Service is covered by virtue of section 410(b) of title 39, United States Code, which specifically makes chapter 71 of title 5, applicable to the Postal Service. The policy applies to positions in the excepted service as well as in the competitive service.

The second sentence of the new section 7155 provides that a maximum age requirement for appointment to a position in an Executive agency or in the competitive service may be established only when the President, or such agent as he may designate, determines that age is a bona fide occupational qualification reasonably necessary to the performance of the duties of a position. This authority applies only to positions in Executive agencies and positions in the competitive service. The term "Executive agency" is defined in section 105 of title 5 as meaning an Executive department, a Government corporation, and an independent establishment. The United States Postal Service is specifically excluded from the definition of "independent establishment" in section 104 of title 5, and, therefore, is not covered by the second sentence of the new section 7155.

Under the third sentence of the proposed section 7155, the President, or his designated agent, is required to transmit to the Post Office and Civil Service Committees of the House and Senate a full report which shall include a statement justifying the need for any maximum age requirement which may be established under the new section 7155. The report shall be transmitted at least 60 days prior to the date that a maximum age requirement is placed into effect.

Section 2 of the bill repeals the current provision of law (5 U.S.C. 3307) that provides that no appropriated funds may be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.

Section 3 of the bill repeals the authority of the Secretary of the Interior under Public Law 91-73, approved September 26, 1969, to determine and fix minimum and maximum limits of age within which original appointments to the United States Park Police may be made. Such age limits would be established by the President or his agent under the new section 7155 of title 5 if H.R. 8085 is enacted into law.

#### COST

The only additional cost associated with this legislation will be a minimal administrative cost which may arise in connection with any maximum age requirements that are established by the President.

#### AGENCY RECOMMENDATIONS

This legislation is based on an official recommendation of the Civil Service Commission dated April 29, 1971, which is set forth below. There also is set forth below the official request of the Attorney General dated April 26, 1971, proposing to grant authority for the Attorney General to establish minimum and maximum age limitations for certain appointments in the Department of Justice, and the official recommendation dated April 29, 1971, from the Secretary of Transportation,

the first part of which proposes to grant authority to the Secretary of Transportation to establish, with the concurrence of the President, a maximum age for appointment to Air Traffic Controller positions in the Department of Transportation (other parts of this recommendation are being considered in another bill—H.R. 8083).

U.S. CIVIL SERVICE COMMISSION,  
*Washington, D.C., April 29, 1971.*

HON. CARL ALBERT,  
*Speaker of the U.S. House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: The Commission is submitting for the consideration of the Congress proposed legislation "Relating to age requirements for appointments to positions in Executive agencies and in the competitive service." There are enclosed: (1) a draft bill, (2) sectional analysis, and (3) a statement of purpose and justification.

The proposed legislation would reaffirm the Government's clear policy against age discrimination in employment and would take the desirable step of extending that policy to positions in the excepted service. It would, however, recognize the need for providing some flexibility in this area in place of the present outright ban on maximum age limits for entry into the competitive service. Accordingly, the proposed legislation would authorize the President, or such agent as he may designate, to establish maximum age limits for entry into civil service positions in Executive agencies and in the competitive service when age is found to be a bona fide occupational qualification reasonably necessary to the performance of duties. The authority proposed for the President would be similar to that now held by the Secretary of Labor for private industry under the Age Discrimination in Employment Act of 1967 (81 Stat. 602).

The conditions that argue for the setting, administratively, of appropriate age limits in private industry apply with equal force in the Federal service. A number of Federal agencies have indicated that they will seek authority from the Congress to establish maximum age limits for entry into several types of positions. In the Commission's view it is far more desirable for such limits to be set administratively than it is for these limits to be set by statute on an occupation-by-occupation and agency-by-agency basis. In the interest of uniformity and appropriate control, this authority should be vested in the President as part of his general authority over civil service employment in Executive agencies and the competitive service.

The Office of Management and Budget advises that there would be no objection from the standpoint of the Administration's program to the submission of the proposal.

A similar letter is being sent to the President of the Senate.

By direction of the Commission:

Sincerely yours,

ROBERT HAMPTON,  
*Chairman.*

Enclosures.

STATEMENT OF PURPOSE AND JUSTIFICATION BY CIVIL SERVICE  
COMMISSION

PURPOSE

The bill would substitute for the present outright ban on establishment of maximum age limits for entry into the competitive service a provision authorizing the President, or such agent as he may designate, to establish maximum age limits for entry into civil service positions in Executive agencies and the competitive service when age is found to be a bona fide occupational requirement reasonably necessary to the performance of duties. The proposed provision would also extend the Government's clear policy against age discrimination to positions in the excepted service. Aside from the change in coverage, the primary effect of the proposal would be to give the President an administrative authority over Federal positions generally parallel to the authority already granted to the Secretary of Labor for positions in private industry under the Age Discrimination in Employment Act of 1967 (81 Stat. 602).

JUSTIFICATION

Age, by itself, should never be a bar to employment, either in private industry or in the Federal Government. At the present time, a statutory provision prevents the establishment of maximum entry ages for appointments in the Federal competitive service, but no similar provision governs appointments in the excepted service in Federal agencies. In keeping with the national policy against age discrimination, it is highly desirable to extend the prohibition against establishing age limits to positions in the excepted service. But it is equally desirable that a degree of flexibility, similar to that already existing for positions in private industry, be provided for Federal positions to permit exceptions without the necessity for Congressional action in each case when age is found to be a bona fide occupational qualification.

Congress established the present policy against age discrimination in Federal employment in 1956 when it wrote into the Independent Offices Appropriation Act (70 Stat. 355) a prohibition against the use of appropriated funds to pay the salary of any Federal employee who sets a maximum age for entry into any position in the competitive service. Now codified in section 3307, title 5 of the United States Code, the law makes no provision for administrative exceptions. A Federal agency that feels it needs relief from the strict letter of the law must turn to Congress for such relief. The Department of the Interior took its case to Congress in 1969 for the United States Park Police and was successful. Congress enacted Public Law 91-73 in September 1969, authorizing the Secretary of the Interior to set minimum and maximum age limits in the appointment of Park Police.

In light of the willingness of Congress to authorize a maximum entry age limit for one group, it has been indicated that other Federal agencies desire similar authority.

The Civil Service Commission believes there is justification for setting maximum age limits for entry into certain positions in the Fed-

eral service. But it believes it is far more desirable for such limits to be set administratively than it is for these limits to be set by statute on an occupation-by-occupation and agency-by-agency basis. In the interest of uniformity and appropriate control, this authority should be vested in the President as part of his general authority over civil service employment in Executive agencies and the competitive service.

Granting the President this authority would be in keeping with the principles expressed in the Age Discrimination in Employment Act of 1967. Among other things, that Act makes it unlawful for any employer in the private sector to refuse to hire an individual because of his age. At the same time, however, the Act recognizes that age can be a factor in employment, for its prohibitions do not apply "where age is a bona fide occupational qualification reasonably necessary to the normal operation of a business." The Secretary of Labor is granted the authority to "establish such reasonable exemptions to and from any and all provisions of this Act. . . ." The considerations that argue for the setting, administratively, of appropriate age limits in private industry apply with equal force in the Federal Service.

In short, the fact that age is a factor in certain employment situations has been recognized by Congress in its enactments. There is under current law an orderly procedure for setting appropriate age limitations in the private sector. Although no such procedure exists now for Federal positions, the need for one is equally justified.

No additional appropriation would be needed to carry out the provisions of this bill. Administrative costs would be minimal.

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OFFICE OF THE ATTORNEY GENERAL,  
*Washington, D.C., April 26, 1971.*

The SPEAKER,  
*House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Enclosed for your consideration and appropriate reference is a legislative proposal to authorize the Attorney General to establish age limitations for certain appointments within the Department of Justice.

Current law effectively prohibits the establishment of maximum age limitations for employees entering Federal employment through the competitive civil service. As provided in Section 3307 in title 5, United States Code:

Appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.

The Department of Justice is the Federal Government's principal law enforcement agency, and accordingly employs a substantial number of specialized professional personnel. In the Department, original appointments to Special Agent positions in the Federal Bureau of Investigation, which are not in the competitive service, are subject to established minimum and maximum age limitations. Because of the prohibition in Section 3307 of title 5, United States Code, equally



desirable age limitations do not exist for original appointments to the following law enforcement positions:

Border Patrol Agent, Immigration and Naturalization Service; Criminal Investigator, Bureau of Narcotics and Dangerous Drugs; Correctional Officer, Bureau of Prisons; and Deputy United States Marshal, United States Marshals Service.

The 91st Congress has demonstrated a recognition of the need to depart, in limited situations, from the general rule that age should not be a qualification for employment. Public Law 91-73, approved September 26, 1969, authorizes the Secretary of the Interior to establish minimum and maximum age limits for original appointments to the United States Park Police.

The basic justifications for the recent passage of Public Law 91-73 apply with equal force to the four Department of Justice positions listed above. There is a vital need to attract young, flexible, career-minded individuals to these strenuous and hazardous professions. The highly specialized training received by new employees selected for these positions is becoming more extensive and expensive. Age limitations will enhance the ability of these employees to survive this training, perform at peak efficiency on the job, and remain with their agencies for a greater length of time prior to retirement.

These troubled times require our very best efforts in the area of law enforcement. Enactment of this proposal will enable the Department to take a significant step in its continuing efforts to provide the best possible law enforcement services to the people.

The Office of Management and Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

JOHN N. MITCHELL,  
*Attorney General.*

THE SECRETARY OF TRANSPORTATION,  
*Washington, D.C., April 29, 1971.*

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HON. CARL ALBERT,  
*Speaker of the House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Enclosed for introduction and referral to the appropriate Committee is a draft bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes.

The purpose of the bill is to provide the Secretary of Transportation greater flexibility in the management of the air traffic control work force. I submitted a similar proposal to the 91st Congress.

Air traffic control work is a unique vocation, one offering many advantages yet one involving a number of serious drawbacks. This work offers an individual the challenging opportunity to be involved in one of the most dynamic industries of our time. The individual who enters this field also faces the sobering responsibility of safeguarding airmen and air travelers. In large measure, their well-being depends upon the proper performance of the air traffic control system. The basic role of the controller is to facilitate the safe and efficient flow of air traffic

in that system. Civil aviation and technological achievements within the industry have advanced dramatically in recent years. The increasing demands that the expanding aviation community is placing upon the air traffic control system make the job of the controller more complex and increase the burden he bears. In recognition of this, controllers are relatively well paid, when compared to other occupational specialties with similar entry requirements. Promotion also is relatively rapid for those who are able to progress through the various stages to the journeyman level. Additional remuneration is available for working overtime and at night and on holidays, which many controllers are called upon to do.

Perhaps the most serious drawbacks of the work, however, are those having a long-range effect. The Department of Transportation is practically the sole employer of controllers, and the skills learned in control work have very limited value in other lines of work. The initial challenge of the work tends to become less attractive and more burdensome as time on the job increases. If he becomes dissatisfied with or unable to continue in his work, there is little opportunity for the controller to gain employment in another field at anywhere near the salary he has become accustomed to drawing.

The controller is a shift worker. He operates on an hour-to-hour basis, seeing to the safe movement of air traffic operations during his shift. He meets problems on a case-by-case basis and the picture seldom changes except for the increase in the flow of traffic. He rotates from shift to shift and is expected to be available from time to time for overtime work.

Having taken into consideration the nature of the controller's work, the remuneration and other benefits he can derive from it, the needs for him to maintain the highest possible safety standards in controlling air traffic, and the increasing workload that has been thrust upon him, the Department of Transportation undertook a study into the need for improving the career system for air traffic controllers. Primary considerations in the conduct of the study were the need to promote the safety of flight, to provide the efficient control of air traffic, to provide the Secretary with a number of options in managing the controller work force, and to ensure the controller fair treatment, particularly in those cases where he has been on the job for a substantial time. The culmination of the study was the Report of the special Air Traffic Controller Career Committee. This bill would incorporate into title 5, United States Code, the amendments necessary to implement recommendations of the Committee requiring legislative action. The bill contains four principal provisions:

*First*, the Secretary of Transportation would be authorized, with the concurrence of such agent as the President may designate, to establish a maximum age for entry in Department of Transportation air traffic control positions. Initially, the Department intends to provide that a person with no previous experience could not enter an air traffic controller position after reaching his 31st birthday. However, we also intend to grant exemptions and employ persons up to their 36th birthday, based upon previous related experience. Exemptions would not be granted to large groups on an "across-the-board" basis, but would cover small groups or single individuals. No exemptions are

contemplated to persons who have reached their 36th birthday. The bill also establishes a maximum age for retention in Departmental air traffic control positions. The bill provides that an employee could not remain in an air traffic controller position after becoming 56 years of age. The Secretary would be authorized to retain a controller until his 61st birthday, based upon possession of exceptional skills and experience as determined by the Secretary. The reason for this specific provision is discussed below.

*Second*, the bill authorizes the Secretary to provide two years, or less, of training to a career-tenure-controller, if the Secretary first determines that the controller (1) has become medically disqualified for his position; (2) must be displaced from a particular air traffic facility (such as a high traffic density facility) in the interest of aviation safety or efficiency or the health of the controller; or (3) must be removed from controller duties altogether because of inability to maintain technical proficiency in his work. During training, the employee would receive the same base pay he last received as a controller.

*Third*, the bill provides that the Secretary may assign, reassign or demote a controller who has received training to other duties in the Department of Transportation at the same or a lower grade; or the Secretary may release the controller for transfer to another Executive agency. If the controller is not placed with an Executive agency, he would be separated from the service. The bill also provides that, if he first makes one of the three determinations enumerated above, the Secretary may assign or reassign a controller (whether or not he receives training) to another air traffic facility or to different duties in the Department of Transportation.

*Finally*, the bill would entitle an employee to an annuity (minimum: 50 percent of the average of his highest three years' base pay) after he completes 25 years of controller service or after he completes 20 years of controller service and reaches 50 years of age. The Secretary would be authorized to initiate the retirement of an active controller under this provision in the interest of aviation safety, efficiency, or the controller's health.

The bill also would require the Secretary of Transportation to report to the Congress during the fifth year after enactment regarding the effectiveness of the provisions in meeting the needs of the controller career program and the air traffic control system. The provisions of the bill would take effect 90 days after enactment.

Our principal concern is with the use of older personnel in the controller positions. This is evident from the thrust of all these proposals, and is the basis for a specific maximum retention age provision. We believe that an individual should embark on a career as a controller while in his twenties, and in the usual case, retire or change to another line of work before he becomes 56 years of age. This makes him available during his most productive stage and while his interest, stamina, and general health are at their highest level.

As a general rule, we have found that our controllers simply do not maintain their proficiency as they progress through the second half of the normal period of service of a career employee. In some cases the work becomes too stressful. In other cases, conditions of health force the controller to leave the work altogether. The maximum retention

age level, with the early retirement and retraining provisions we are proposing, would give the controller the assurance of eventual relief from a long span of control work, and an opportunity to turn to a new career at a time when he otherwise might find it necessary to remain in controller work under near intolerable conditions. The provisions also will permit the Secretary to maintain a safer and more proficient controller work force.

We estimate the cost of this proposed legislation to be \$17.6 million in fiscal year 1972 (assuming a July 1, 1971 implementation), and that cost would rise to \$35.2 million in fiscal year 1976. We will provide more detailed cost information to the appropriate Committee.

For all these reasons, we urge that the Congress *promptly* enact this legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

J. A. VOLPE.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman) :

### TITLE 5 OF THE UNITED STATES CODE

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#### PART III—EMPLOYEES

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#### Subpart B—Employment and Retention

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#### CHAPTER 33—EXAMINATION, SELECTION, AND PLACEMENT

##### SUBCHAPTER I—EXAMINATION, CERTIFICATION, AND APPOINTMENT

SEC.

3301. Civil service; generally.

3302. Competitive service; rules.

3303. Competitive service; recommendations of Senators and Representatives.

3304. Competitive service; examinations.

3304a. Competitive service; career appointment after 3 years' temporary service.

3305. Competitive service; examinations; when held.

3306. Competitive service; departmental service; apportionment.

3307. Competitive service; maximum-age requirement; restriction on use of appropriated funds.】

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SUBCHAPTER I—EXAMINATION, CERTIFICATION, AND  
APPOINTMENT

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**§3307. Competitive service; maximum-age requirement; restriction on use of appropriated funds**

**[Appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.]**

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**Subpart F—Employee Relations**  
**CHAPTER 71—POLICIES**

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**SUBCHAPTER II—ANTIDISCRIMINATION IN EMPLOYMENT**

SEC.  
7151. Policy.  
7152. Marital status.  
7153. Physical handicap.  
7154. Other prohibitions.  
7155. *Maximum-age entrance requirement.*

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**SUBCHAPTER II—ANTIDISCRIMINATION IN  
EMPLOYMENT**

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**§ 7155. Maximum-age entrance requirement**

*It is the policy of the United States to promote employment of persons based on their ability rather than age and to prohibit arbitrary age discrimination in employment in the Federal service. A maximum-age requirement may be applied in making an appointment to a position in an Executive agency or in the competitive service only when the President, or such agent as he may designate, has established and placed in effect this requirement on the basis of a determination that age is a bona fide occupational qualification reasonably necessary to the performance of the duties of the position. Not later than the 60th day before establishing and placing in effect a maximum-age requirement under this section, the President or his agent shall transmit to the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives a report which includes a full and complete statement justifying the need for that maximum-age requirement.*

PUBLIC LAW 91-73

AN ACT Relating to age limits in connection with appointments to the United States Park Police.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of Public Law 89-554 (80 Stat. 419, 5 U.S.C. 3307) the Secretary of the Interior is hereby authorized to determine and fix the minimum and maximum limits of age within which original appointments to the United States Park Police may be made.

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